

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

NAVELLIER & ASSOCIATES, INC.,
and LOUIS NAVELLIER,

Defendants.

Civil Action No. 1:17-cv-11633

**DEFENDANTS' MOTION FOR RECONSIDERATION OF THE COURT'S FEBRUARY
13, 2020 ORDER (DKT# 252) GRANTING PARTIAL SUMMARY JUDGMENT TO
PLAINTIFF**

Defendants, Navellier & Associates, Inc. (“NAI”) and Louis Navellier (“Mr. Navellier”) collectively (“Defendants”) hereby respectfully move pursuant to Rule 59 of the Federal Rules of Civil Procedure for reconsideration (new trial) of the Court’s February 13, 2020 Order (Dkt #252) granting Plaintiff’s (SEC’s) motion for partial summary judgment. The motion for reconsideration is brought on the grounds that this Court’s decision was manifestly erroneous and contrary to the law in, among other things, there was no undisputed evidence or proof that the allegedly false statements that were alleged to violate §206(1) and §206(2) of the Investment Advisers Act were in fact false. It was therefore a manifest error of law and fact to grant partial summary judgment as to Counts One and Two.

It was also manifest error for the Court on a partial summary judgment motion to weigh the disputed evidence and determine the disputed legal and factual issues of “knowledge” and “intent” (scienter) and materiality rather than allow the jury to decide those issues.

In support of their motion, Defendants submit a memorandum, with exhibits, a declaration, and a proposed order.

LOCAL RULE 7.1 CERTIFICATION

I certify that counsel for the parties conferred on February 13 and 20, 2020 and have attempted in good faith to resolve or narrow the issues raised by this motion. The parties were unable to do so.

Dated: March 12, 2020

By: /s/ Samuel Kornhauser
Samuel Kornhauser

CERTIFICATE OF SERVICE

I hereby certify that this document was filed on this date through the ECF system and will be sent to the registered participants as identified on the Notice of Electronic Filing (NEF) as of

March 12, 2020

By: Dan Cowan

Dan Cowan